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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

|                           |   |                                    |
|---------------------------|---|------------------------------------|
| E.K. WADE,                | ) | No. C 08-00001 JSW                 |
|                           | ) | No. C 08-00021 CRB                 |
| Plaintiff,                | ) |                                    |
|                           | ) |                                    |
| v.                        | ) | <b>ADMINISTRATIVE MOTION TO</b>    |
|                           | ) | <b>RELATE CASES AND [PROPOSED]</b> |
| ELAINE CHAO, SECRETARY OF | ) | <b>ORDER</b>                       |
| LABOR, ET AL.             | ) |                                    |
|                           | ) |                                    |
| Defendant.                | ) |                                    |
|                           | ) |                                    |
|                           | ) |                                    |

On December 28, 2007, this Court dismissed the action of *E.K. Wade v. Elaine Chao*, 06-4725 MJJ and gave plaintiff leave to file one new complaint. On January 2, 2008, Plaintiff filed the new complaint *E.K. Wade v. Elaine Chao, et al.*, CV-08-00001 PJH. On January 15, 2008, the Honorable Martin Jenkins issued an order relating case CV-08-00001 PJH to CV 06-4725 MJJ. On January 17, 2008 the court issued an order reassigning case No.CV-08-00001 PJH to the Honorable Martin Jenkins.

However, on January 3, 2008, Plaintiff also filed the another complaint *E.K. Wade v. Elaine Chao et al.*, CV-08-0021 MEJ (now CV-08-00021 CRB). Because both complaints (CV-08-00001 and CV-08-00021) involve the same parties, facts and circumstances, and because this Court has previously ordered that all actions against the Secretary of Labor be consolidated into one complaint, the Federal Defendants requested the Court to consolidate the actions into one complaint.

The Federal Defendant mistakenly understood the January 15, 2008 order to have related all cases in this matter and consequently on February 4, 2008 and February 20, 2008, made a motion to consolidate the cases into one complaint consistent with its understanding of the December 28, 2007 court order. However, pursuant to court order issued February 20, 2008, the Federal Defendant has been ordered to file an administrative motion to relate the cases. The Federal Defendant respectfully, requests that the Court relate cases CV-08-00001 JSW and CV-08-00021.

Respectfully submitted,

JOSEPH P. RUSSONIELLO  
United States Attorney

/s/

Dated: February 20, 2008

MELISSA K. BROWN  
Assistant United States Attorney

# **ORDER**

The Court orders that case No CV-08-00001 JSW and CV-08-00021 be related.

DATED: \_\_\_\_\_

HONORABLE JEFFREY S. WHITE  
U.S. DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**ADMINISTRATIVE MOTION TO RELATE CASES**

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

☒ **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

☐ **PERSONAL SERVICE (BY MESSENGER)**

☐ **FEDERAL EXPRESS**

☐ **FACSIMILE (FAX)** Telephone No.: See Below

to the party(ies) addressed as follows:

|  |  |  |
|--|--|--|
| E.K. Wade<br>542 North Civic Drive, Apt. D<br>Walnut Creek, CA 94597 |  |  |
|--|--|--|

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 20, 2008 at San Francisco, California.

\_\_\_\_\_  
MANIK BOWIE  
Legal Assistant